

Draft
BUREAU OF LAND MANAGEMENT
INFORMATION QUALITY GUIDELINES

Draft Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by the Bureau of Land Management

1. Overview, Scope, and Applicability

What is the purpose of these guidelines?

These guidelines describe BLM's policy and procedures for reviewing and substantiating the quality of information it disseminates. These guidelines describe BLM's administrative mechanisms allowing affected persons to seek and obtain, where appropriate, correction of information disseminated by BLM that they believe may be in error or otherwise not comply with the law. These guidelines are not intended to replace existing procedures for correcting or commenting on data quality but are designed to supplement them.

Why are these guidelines being published now?

In December, 2000, the Congress amended the Paperwork Reduction Act of 1995 to require that federal agencies publish their "Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information" that they disseminate (44 U.S.C. 3502). The amended language is included in Section 515 of the "Treasury and General Government Appropriations Act of 2001". In June, 2002, the Department of the Interior promulgated rulemaking, which included language instructing the bureaus to prepare separate guidelines on how they would apply the Act. This document provides guidance to BLM staff and informs the public of BLM's policies and procedures.

To whom do these guidelines apply?

These guidelines apply to members of the public and stakeholders with whom BLM does business. They are not designed to create new regulations nor impose any new legally binding requirements or obligations on BLM or the public. Nothing in these guidelines affects any otherwise available judicial review of BLM action. Decisions regarding a particular case, matter or action will be made based on applicable statutes, regulations and requirements. Interested parties are free to raise questions and objections regarding the substance of the guidelines and the appropriateness of using them in a particular situation and BLM will consider whether or not the guidelines are appropriate in that situation. BLM welcomes comments on the guidelines at any time and will consider those comments in any future revision of the guidelines.

What do these guidelines cover?

These guidelines apply to BLM sponsored information disseminated to the public. "Information" for purposes of these guidelines generally includes any communication or representation of knowledge such as facts or data, in any medium or form and therefore, generally includes material that BLM disseminates from a web page. Dissemination, for purposes of these guidelines, includes publication either electronic or written to a community or audience that BLM initiates or sponsor. BLM may clarify whether

distributions of information are initiated or sponsored by BLM by using disclaimers or notices to explain the status of the information. Communication which is not directed to a community or audience (e.g., correspondence to and from an individual concerning the status of his/her lease or permit) is not considered "disseminated". .

The guidelines are a living document and may be revised periodically to reflect changes in BLM's approach or as we all learn more about how best to address, ensure and maximize information quality. Factors such as imminent threats to public health, homeland security, statutory or court-ordered deadlines, or other time constraints may limit or preclude applicability of these guidelines.

What data is considered BLM sponsored information under these guidelines?

BLM disseminates information to the public for purposes of these guidelines when BLM initiates or sponsors the distribution of information to the public. BLM initiates a distribution of information if BLM prepares the information and distributes it to support or represent BLM's viewpoint, to formulate or support a regulation, guidance, or other Agency decision or position. BLM can initiate a distribution of information if BLM distributes information prepared or submitted by an outside party in a manner that reasonably suggests that BLM endorses or agrees with it, or if BLM indicates in its distribution that the information supports or represents BLM's viewpoint, or if BLM in its distribution proposes to use or uses the information to formulate or support a regulation, guidance, policy, or other bureau decision or position.

What data is not considered information under these guidelines?

In general, distributions by outside parties are not considered to be "sponsored" by BLM unless BLM is using the outside party to disseminate information on its behalf. BLM will clarify whether distributions are initiated or sponsored by BLM by using disclaimers to explain the status of the information.

The following categories are not considered BLM sponsored information:

1. Internet hyperlinks and other references to information disseminated by others
2. Opinions, where BLM's presentation makes it clear that what is being offered is someone's opinion rather than fact or BLM's views.
- 3 **These guidelines apply to information disseminated on or after October 1, 2002. The fact that an information product that was disseminated by BLM before that date and is still maintained in our files, in publications that BLM continues to distribute on its website does not make the information subject to these guidelines or to the request for correction process. .**

What types of information are not covered by these guidelines?

The following types of information are not considered disseminated under these guidelines:

1. Distribution limited to government employees (BLM and non-BLM) or BLM contractors or grantees:
2. Information distributed only to government employees would not generally be covered by these guidelines because it is not directed to the public. This includes both intra- and inter-agency distribution of information. For example, if BLM wanted to get feedback from a number of other agencies regarding an action it is considering undertaking, the communications between the agencies would not be covered by the guidelines.
3. Intra- or inter-agency use or sharing of government information: These guidelines do not apply to intra- or inter-agency use or sharing of

government information. Intra-agency use of information includes use of information pertaining to basic agency operations, such as management, personnel and organizational information, even if the information becomes public at some point.

4. BLM responses to requests for agency records. BLM's guidelines do not apply to BLM's release or other distribution of records, regardless of form or format, as a result of requests for agency records under the Freedom of Information Act (FOIA), the Privacy Act, the Federal Advisory Committee Act (FACA), or other similar laws.

5. Distribution of information in correspondence with individuals or persons: These guidelines do not apply to any correspondence with individuals or persons, regardless of format. "Persons" for purposes of this provision includes any individual or person, including a partnership, association, corporation, business trust, legal representative, organized group of individuals, State, territorial, tribal, or local government or branch thereof, a political subdivision of a State, territory, tribal, or local government or a branch of a political subdivision, or any federal governmental branch including members of Congress and their staff.

6. These guidelines do not apply to press releases, fact sheets, press conferences or similar communications in any medium that announce, support the announcement or give public notice of information BLM has disseminated elsewhere.

7. Distribution of background and outdated or superseded information: These guidelines do not apply to background information such as published articles distributed by libraries or by other distribution methods that do not imply that BLM has adopted or endorsed the materials.

8. The guidelines do not apply to outdated or superseded BLM information that is provided as background information but no longer reflects BLM policy or influences BLM decisions where BLM indicates (in a disclaimer or otherwise) that the materials are provided as background materials and do not represent BLM's current view.

9. Distribution of information by federal employees and recipients of grants, cooperative agreements, and contracts, unless the information is disseminated on BLM's behalf, as when BLM specifically directs or approves the dissemination.

10. These guidelines do not apply to distribution of any type of research by federal employees and recipients of BLM grants, cooperative agreements, or contracts, where the researcher (not BLM) decides whether and how to communicate and publish the research, does so in the same manner as his or her academic colleagues, and distributes the research in a manner that indicates that the research does not represent BLM's official position (for example, by including an appropriate disclaimer). Distribution of research in this manner is not subject to these guidelines even if BLM retains ownership or other intellectual property rights because the Federal government paid for the research.

11. Distribution of information in public filings: Public filings include information submitted to BLM by any individual or person (as defined above). The guidelines do not apply where BLM distributes this information simply to provide the public with quicker and easier access to materials submitted to BLM that are publicly available. This will generally be the case if BLM has not authored the filings, and is not distributing the information in a manner that

suggests that BLM endorses or adopts the information, and BLM does not indicate in its distribution that it is using or proposing to use the information to formulate or support a regulation, guidance, or other Agency decision or position.

What are examples of public filings?

Examples of public filings submitted to BLM include:

1. Submissions of information under mandates or requirements, such as filings required by statutes, regulations, orders, permits, or licenses. This includes submissions of information by applicants for a permit, license, approval, authorization, grant, or other benefit or permission.
2. Information submitted voluntarily to BLM. Examples include information in submissions relating to a BLM program, process or activity, such as public comments submitted in a rulemaking; information submitted by a participant in a voluntary program; and other information voluntarily provided to BLM by third parties, such as data, studies, analyses, and other types of comments or input.
3. Information in public filings submitted by BLM to other agencies or governmental agencies, such as public comments BLM submits in a state rulemaking, also would not be covered by these guidelines.
4. Distribution related to subpoenas or adjudicative processes: Distributions of information related to subpoenas or adjudicative process are not covered by these guidelines. An adjudication is a matter involving specific parties that determines the rights and liabilities of the parties to the action. Adjudications have well-established procedural safeguards and rights to address the quality of adjudicatory decisions and provide persons with an opportunity to contest decisions. This includes:
 - a. Distribution of information in documents filed in a judicial case in any court.
 - b. For enforcement purposes, distribution of information in documents developed during the conduct of any criminal or civil action or administrative enforcement action, investigation, or audit involving an agency against specific parties.
5. Distribution of information in documents related to any formal or informal administrative action determining the rights and liabilities of specific parties, including documents that provide the findings, determinations or basis for such actions. Examples include the processing or adjudication of applications for a permit, license, registration, waiver, exemption, or claim; actions to determine the liability of parties under applicable statutes and regulations; and determination and implementation of remedies to address such liability.

What happens if information is initially not covered by these guidelines, but BLM subsequently disseminates it to the public?

If a particular distribution of information is not covered by these guidelines, the guidelines may still apply to a subsequent distribution of the information in which BLM adopts, endorses or uses the information to formulate or support a regulation, guidance, or

other Agency decision or position. For example, if BLM simply makes public a third party filing, these guidelines would not apply to that distribution of information. However, if BLM later includes the data in a background document in support of a rulemaking, these guidelines would apply to that later dissemination of the information in that document.

How does BLM ensure the objectivity of information that is not covered by these guidelines?

Objectivity is defined according to two distinct elements: presence and substance. Objectivity includes whether disseminated information is being presented in an accurate, clear, complete, and unbiased manner. BLM is also committed to ensure accurate, reliable, and unbiased information. Much of the information BLM disseminates will be subject to public review and comment prior to its final publication.

How does BLM ensure the utility and integrity of information that is covered by these guidelines?

It is BLM's policy that, to the extent possible, all of the information it distributes meets a basic standard of information quality and utility to the public that relies on the data. The data is subject to security controls designed to ensure that it cannot be compromised or contaminated. BLM continues to plan to produce, collect, and use information that is of the appropriate quality, irrespective of these guidelines or the prospects for dissemination of the information.

2. Ensuring and Maximizing Information Quality

What is "quality" according to the guidelines?

BLM is issuing these guidelines to ensure and maximize the quality, including objectivity, utility and integrity, of disseminated information. Objectivity, integrity, and utility are defined here, consistent with the OMB guidelines. "Utility" refers to the usefulness of the information to the intended users. "Objectivity" focuses on whether the disseminated information is being presented in an accurate, clear, complete, and unbiased manner, and as a matter of substance, is accurate, reliable, and unbiased. "Integrity" refers to the protection of information from unauthorized access or revision, to ensure that the information is not compromised through corruption or falsification.

How does BLM ensure and maximize the quality of disseminated information?

BLM ensures and maximizes the quality of information by using policies and procedures appropriate to the information product. There are many tools that the BLM uses including Quality System review, senior management oversight and controls, peer review process, communications, product review process, and the error correction process. The BLM uses a graded approach and uses these tools based on the intended use of the information and the resources available and, in the case of influential information, recognizes that the data should meet a higher standard of quality.

How does BLM define influential information for these guidelines?

"Influential," means that the information will have or does have a clear and substantial impact on important public policies or important private sector decisions. For the purposes of the BLM's Information Quality Guidelines, BLM will generally consider the following classes of information to be influential, and, to the extent that they contain

scientific, financial, or statistical information, that information should adhere to a higher standard of quality:

Information disseminated in support of top Agency actions (i.e., rules, substantive notices, policy documents, studies, guidance) that demand the ongoing involvement of the Director's office and extensive cross-Agency involvement; issues have the potential to result in major cross-Agency or cross-media policies, are highly controversial, or provide a significant opportunity to advance the BLM's priorities. The BLM may make determinations of what constitutes "influential information" beyond those classes of information already identified where the disseminated information will have or do have a clear and substantial impact (i.e. change or effect) on important public policies or important private sector decisions.

How does BLM ensure and maximize the quality of "influential" information?

BLM recognizes that influential information should be subject to a high degree of transparency about data and methods to facilitate the reproducibility of such information by qualified third parties, to an acceptable degree of imprecision. It is important that analytic results have a high degree of transparency regarding (1) the source of the data used, (2) the various assumptions employed, (3) the analytic methods applied, and (4) the statistical procedures employed. It is also important that the degree of rigor with which each of these factors is presented and discussed be scaled as appropriate, and that all factors be presented and discussed. In addition, if access to data and methods cannot occur due to compelling interests such as privacy, trade secrets, intellectual property, and other confidentiality protections, BLM should to the extent practicable, apply robustness checks to analytic results and document what checks were taken. Original and supporting data may not be subject to the high and specific degree of transparency required of analytic results; however, BLM should apply relevant policies and procedures to achieve reproducibility to the extent practicable, given ethical, feasibility, and confidentiality constraints.

BLM has several Bureau-wide, Program-specific policies and processes which it applies to ensure and maximize the quality of influential information. Processes of particular importance to ensure the quality, objectivity, and transparency of influential information are the Peer Review Policy, and public comment periods. Many influential information products may be subject to more than one of these processes.

What is the context in which the information deemed 'influential' will be changed?

The BLM applies the principle of using the "best available" data in making its decisions. In applying this principle, "best available" refers to the availability of the information at the time an assessment was made weighed against the needed resources and the potential delay associated with gathering additional information in comparison to the value of the new information in terms of its potential to improve the substance of the assessment. The BLM will rely on older information where the conditions of the land and/or resources have not substantially changed or where collection of more recent information would not be cost justified. Where appropriate, the BLM will seek input from appropriate stakeholders and the scientific community.

Does BLM ensure and maximize the quality of information from external sources?

BLM recognizes that the State and other governments and third party information issue is complex and requires more thought and collaboration with States, the scientific

and technical community and other external data providers. Consultation is needed to best ascertain and address how these guidelines may apply to external sources, and to ensure the guidelines are sufficiently flexible to encourage the appropriate use of external information while also ensuring and maximizing the quality of information BLM disseminates. Therefore, BLM is taking and will continue to take steps to ensure that the quality and transparency of data and information provided by external sources is sufficient for the intended use.

For information that is either voluntarily submitted to BLM in hopes of influencing a decision or that BLM obtains for use in developing a policy or regulatory decision, BLM plans to work with States and other governments, the scientific and technical community and other interested data providers to develop and publish factors that BLM would use to assess the quality of this type of information provided by external sources and used by BLM for specific purposes.

3. Pre-dissemination Review

What are the administrative mechanisms for pre-dissemination reviews?

Each BLM office will incorporate the information quality principles outlined in these guidelines into their existing pre-dissemination review procedures as appropriate. Offices and regions may develop unique and new procedures, as needed, to provide additional assurance that the information disseminated by or on behalf of their organizations is consistent with these guidelines.

4. Correction of Information

What are BLM's Administrative Mechanisms for Affected Persons to Seek and Obtain Appropriate Correction of Information?

The BLM uses a variety of methods to ensure that affected persons can seek and obtain correction of information that it maintains or disseminates where it does not comply with BLM or OMB Information Quality Guidelines. Working with the field offices, State Offices, National program offices, the BLM will receive comments and provide them to the appropriate BLM information owners. "Information owners" are the responsible persons designated by management in the applicable BLM program, or those who have responsibility for the quality, objectivity, utility and integrity of the information product or data disseminated by BLM.

Who may request a correction of information?

Any individual or person may request a correction of information from BLM, if that individual or person is an "affected person". For the purposes of these guidelines, "affected persons" are persons who may benefit or be harmed by the disseminated information.

What Should be Included in a Request for Correction of Information?

Persons requesting a correction of information should include the following information in their requests:

- An indication that the person is seeking correction of information disseminated by BLM that the person believes does not comply with BLM or OMB Information Quality Guidelines.
- Name and contact information. Organizations submitting a complaint should identify an individual, to serve as a contact.
- A description of the information the person believes does not comply with BLM or OMB guidelines, including specific citations, if applicable.
- An explanation of how the information does not comply with BLM or OMB guidelines and, if possible, a recommendation of corrective action.

Will BLM consider all requests for correction of information?

BLM seeks public and stakeholder input on a wide variety of issues, including the identification and resolution of discrepancies in BLM data and information. BLM will review every request for correction under these guidelines and consider it for correction unless the request itself is deemed "frivolous," including those made in bad faith or without justification, deemed inconsequential or trivial, and for which a response would be duplicative of existing processes, unnecessary, or unduly burdensome on the Agency.

What type of responses would be considered duplicative, burdensome, unnecessary or unduly burdensome?

A separate process for information that is already subject to such a public comment process would be duplicative, burdensome, and disruptive to the orderly conduct of the action. Therefore, the BLM will not consider a separate request for correction of information if it pertains to BLM actions which already provide a mechanism by which comments can be submitted. For example, BLM rulemaking includes a comprehensive public comment process and impose a legal obligation on BLM to respond to comments on all aspects of the action. These procedural safeguards assure a thorough response to comments on quality of information. BLM believes that the thorough consideration required by this process meets the needs of the request for correction of information process.

If BLM cannot respond to a complaint in the response to comments for the action (for example, because the complaint is submitted too late to be considered along with other comments or because the complaint is not germane to the action), BLM will consider whether a separate response to the complaint is appropriate. BLM may consider frivolous any complaint which could have been submitted as a timely comment in the rulemaking or other action but was submitted after the comment period. The party that submitted the complaint for BLM consideration is not an "affected person." For the purposes of these guidelines, "affected persons" are persons who may benefit or be harmed by the disseminated information. This includes persons who are seeking to address information about themselves as well as persons who use information.

How will BLM respond to a request for correction of information?

If a request for correction of information is deemed appropriate for consideration, BLM will make a decision on the request on the basis of the information in question. If a request is approved, BLM will take corrective action. Whether a request is approved or not, BLM will send an explanation to the requester. BLM may elect not to correct some

completed information products on a case-by-case basis due to Agency priorities, time constraints, or resources.

BLM will submit reports to the Department of the Interior for consolidated submission to OMB on an annual basis beginning January 1, 2004. The report will include the number, nature and resolution of complaints received by BLM under the Data Quality Act provisions.

5. Reconsideration and appeal of BLM Data Quality Act decision

Will BLM reconsider its decision on a request for the correction of information?

If requesters of corrective actions are dissatisfied with a BLM decision regarding their request, they may appeal the decision. These appeals for reconsideration should contain the following information:

- An indication that the person is seeking an appeal of a BLM decision on a previously submitted request for a correction of information, including the date of the original submission and date of BLM decision.
- An indication of how the individual or organization is an "affected person" under the Statute
- Name and contact information. Organizations submitting an appeal should identify an individual, as a contact.
- An explanation of why the appealing entity disagrees with the BLM decision, and, if possible, a recommendation of corrective action.
- A copy of the original request for the correction of information.

How does BLM process requests for reconsideration of BLM decisions?

The requests for reconsideration of BLM decisions will be logged and tracked by the BLM's Chief Information Officer (CIO). These appeals will be sent to the appropriate BLM program office or region, that has responsibility for the information in question. Within the responsible BLM office, an executive panel will review the appeal. This panel will be chaired by the BLM Chief Information Officer. The responsible official, informed by the executive panel's recommendation, will make the final decision on the appeal.